

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

IN RE:

DAVID ALLEN SCHOLL

2310 DELANGE DR SE

GRAND RAPIDS MI 49506

Debtor(s) /

Case No: G G 20-01826

Date Filed 5/22/20

Chapter 13

Hon. John T. Gregg

**TRUSTEE'S MOTION TO DISMISS THE CHAPTER 13 PROCEEDINGS AND NOTICE  
OF MOTION PURSUANT TO 11 U.S.C. 1307(c)**

The Chapter 13 Trustee, **Brett N. Rodgers**, hereby moves this Court to dismiss the above captioned Chapter 13 case for the following reasons pursuant to 11 U.S.C. 1307(c):

(X) 1307(c)(1) Unreasonable delay by the debtor that is prejudicial to creditors:

(X) Failure to cooperate with the Trustee and provide the following documents pursuant to 11 U.S.C § 521 and Bankruptcy Rule 4002: Settlement statements related to the sale of 4 rental properties by the Debtor in 2018; settlement statement related to the purchase of Debtor's residence; documentation of all funds paid by Debtor to father within the last 2 years; evidence that 2017 - 2019 federal and state tax returns have been filed; payroll order or TFS enrollment.

(X) Other: Per Schedule E/F, the non-priority unsecured claims total \$1,681,291.65 which exceeds the debt limit of \$394,725.00 for an individual to be a debtor under chapter 13 pursuant to 11 U.S.C § 109(e) (however, after deducting the debts listed as contingent, unliquidated, or disputed, the non-priority unsecured claims total \$129,751.00); need to amend Plan Paragraph III.F. to indicate the base amount to be paid to general unsecured creditors; need to amend Plan Paragraph III.A.3. to either reduce the "no-look" fee from \$4,690.00 to \$3,650.00 or to leave it blank and file an application and itemization for \$4,690.00; need to amend plan to provide treatment for Verizon Wireless listed on Schedule G for cell phone contract.

Note: As a result of the above Motion being made, your case could be converted to a Chapter 7 case.

**NOTICE OF MOTION**

Take notice that if a timely response is filed the within motion will be heard before the Honorable John T. Gregg on **October 22, 2020, at 9:00 A.M.** This hearing will be held at the U.S. Bankruptcy Court, One Division Ave NW, 2nd Floor, Courtroom C, Grand Rapids, MI 49503.

If you wish to oppose the Motion you must file a written response with the Bankruptcy Court at One Division Ave., N. Room 200, Grand Rapids, MI 49503 and serve a copy upon the Chapter

13 Trustee at 99 Monroe Ave NW, Suite 601, Grand Rapids MI 49503 within 30 days of the date on which the Bankruptcy Noticing Center (BNC) served this Motion to Dismiss. The response filed must comply with Local Bankruptcy Rule 9013(d) and must state with particularity the reasons why the Trustee's Motion should not be granted. If a timely response is not filed, the Chapter 13 Trustee may at any time after the expiration of the 30 day period, file with the Court a certificate stating that no timely response or request for hearing has been filed together with a proposed Order Dismissing the case and cancel the scheduled hearing date as moot.

Dated: 8/17/2020

/s/ Brett N. Rodgers

**Brett N. Rodgers, Trustee**

**PROOF OF SERVICE**

This Motion to Dismiss was served electronically upon the attorney for the debtor(s), if applicable, and the debtor(s) by the BNC.

**ATTORNEY FOR DEBTOR(S):** CHASE BYLENGA HULST